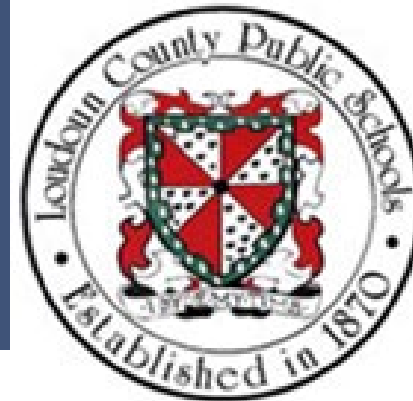


SEAC Special Education Advisory Committee

Policy and Compliance Subcommittee

Review, Findings and Recommendations





SEAC Policy and Compliance Subcommittee Review, Findings and Recommendations

Review of Findings

The SEAC Policy Subcommittee reviewed the following:

- Policy 5310, Special Education
- Policy 8030, Harassment and Discrimination of Students
- Policy 7560, Professional Conduct
- Prior Notice and Parent (or Guardian) Consent

and determined they do not meet the needs of Special Education students.





Special Education Draft Policy 5310 Review, Findings and Recommendations

Overview of Policy 5310:

- Provides general statements of compliance and implementation decisions required by the IDEA or advised by VDOE guidance.
- Current policy 5310 contains a public policy decision to prohibit IEP amendments without an IEP meeting that was agreed to by LCPS staff and SEAC in March 2019.

LCPS is currently proposing to allow IEP amendments without a meeting.

- The SEAC Policy and Compliance Subcommittee reviewed the Student Support and Services (SSS) Committee's draft that was sent to the school board along with two LCPS Staff-proposed drafts.
- The Policy and Compliance Subcommittee performed a new review in light of current information and community concerns.
- LCPS maintains that SEAC's recommended use of IDEA informed parental consent and prior written notice language may obligate LCPS beyond the minimum required by law on equity. The SEAC Policy and Compliance Subcommittee has significant concerns over current practices.





Special Education Draft Policy 5310 Review, Findings and Recommendations

Community Concerns:

- SEAC has received reports of IEP amendment documents being created without a meeting, which appears to be a direct violation of the current Policy 5310.
- SEAC has expressed concern that staff actions in the process of consideration of this policy have appeared to be attempts to circumvent a transparent, collaborative public process, SEAC, and the School Board's Student Support and Services Committee.
- SEAC has received many reports that parents are having to provide many and/or all of the supports students with disabilities require to receive an education.
- IEP meetings are not supposed to be burdensome. LCPS administration at the March 2019 SEAC meeting publicly claimed IEP meetings are not burdensome and changes to the IEP should not be made without a meeting to ensure meaningful parental participation.





Special Education Draft Policy 5310 Review, Findings and Recommendations

Recommendation 1:

SEAC recommends that the School Board not change the existing Policy 5310 to permit IEP amendments without an IEP meeting.





Special Education Draft Policy 5310 Review, Findings and Recommendations

Rationale:

- The subcommittee reviewed current information and circumstances and found that the existing prohibition is the right public policy for our community.
- This IDEA provision is intended for minor changes. Staff have publicly stated, and staff actions have demonstrated, that their intent is to use it for major changes, such as DL/hybrid/in-person, not for minor ones. Major program changes should result in an IEP meeting and a review to ensure FAPE.
- The subcommittee is concerned that it might not be reasonable to expect that any terms added to this policy by the School Board to protect equity and parents' rights would be followed in good faith.
- Under the current circumstances, with parents directly providing critical supports, educational success requires that parents and the school communicate and collaborate more closely than ever. The staff's proposal is to reduce these at a time when the educationally right policy is to increase them.





SEAC Recommendations AND voting



Recommendations

Voting

- SEAC recommends that the School Board not change the existing Policy 5310 to permit IEP amendments without an IEP meeting.





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Overview of the Prior Notice and Parent (or Guardian) Consent:

- The worldwide COVID-19 pandemic has highlighted and exacerbated many systemic disability related inequities within LCPS. Special Education students continue to be marginalized. The lack of accessibility, the inability to meet the individual needs of students with disabilities has significantly impacted our special education students, families, and caregivers. SEAC has received many reports of LCPS efforts to severely cut students' educational supports. Parents should not be pressured or requested to waive their rights under the Individuals with Disabilities Education Act (IDEA) or the Section 504. These rights have been put into law to protect students with disabilities because there is a long history of discrimination.
- The current School Board has repeatedly stated their support for educational equity. Recent actions by LCPS staff appear to be opposed to the School Board's position.





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Recommendation 1:

SEAC finds that the IEP Prior Notice and Parent (or Guardian) Consent statement, the Least Restrictive Environment qualifying statements, and the Temporary Distance Learning Plans, do not meet the needs of student with disabilities.





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Rationale:

- Staff actions have lacked transparency, including by passing the Student Support Services Committee, ignoring SEAC, community input, and public review.
- TDLPs did not meet the needs of our special education students and further damaged trust with the special education community.
- Language was added to IEP Least Restrictive Environment (LRE) page and the Consent page that was not created by the IEP team and not based on the individual needs of the students. Parent concerns and requests to change/remove the language from the proposed IEPs were refused.
- The Prior Notice and Parent (or Guardian) Consent statement appears to be intended to circumvent existing School Board Policy 5310.





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Recommendation 2:

SEAC recommends that all such statements be removed with no further attempts to use such statements, and that LCPS follow guidance from Office of Special Education Programs (OSEP), with in the U.S. Department of Education and Rehabilitative Services and the Virginia Department of Education (VDOE) on how to address the current circumstances while complying with the IDEA.





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Rationale:

- Staff actions have deepened divisions when we need collaboration
- Staff should focus efforts on creative solutions to educate our students with special needs
- SEAC has received reports of school staff delaying parent requests for an IEP meeting
- SEAC has received reports of school staff limiting what can be discussed during IEP meetings about distance learning
- LCPS staff have stated that IEP meetings are not burdensome (March 2019 SEAC)
- IDEA has numerous provisions that provide the needed flexibility for parents and schools to work together during this time.
- IEP teams should be given flexibility to meet individual student needs





Prior Notice and Parent (or Guardian) Consent Review, Findings and Recommendations

Recommendation 3:

SEAC recommends that the LCPS IEP signature page follow the VDOE's Standards-Based IEP Sample Prior Notice and Parent Consent Form.

Rationale:

- The subcommittee also reviewed the language of LCPS's former Parent (or Guardian) Statement on the parent consent page and recommends using the VDOE recommended language.
- The VDOE Prior Notice and Consent language is simple and straightforward, meets IDEA requirements, and is a "safe harbor" for LCPS





SEAC Recommendations AND voting



Recommendations

Voting

- SEAC finds that the IEP Prior Notice and Parent (or Guardian) Consent statement, the Least Restrictive Environment qualifying statements, and the Temporary Distance Learning Plans, do not meet the needs of student with disabilities.
- SEAC recommends that all such statements be removed with no further attempts to use such statements, and that LCPS follow guidance from Office of Special Education Programs (OSEP), with in the U.S. Department of Education and Rehabilitative Services and the Virginia Department of Education (VDOE) on how to address the current circumstances while complying with the IDEA.
- SEAC recommends that the LCPS IEP signature page follow the VDOE's Standards-Based IEP Sample Prior Notice and Parent Consent Form.





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Overview of Draft Policy 8030:

- Addresses how school staff will respond to suspected incidents of discrimination or harassment of students.
- Draft Policy 8030 was reviewed by the School Board's Discipline committee.
- The SEAC Chair previously voiced concerns to the School Board Student Support and Services (SSS) Committee that LCPS had developed two separate discrimination policies: one for special education students and one for all other students.
- The SEAC Executive Committee was concerned LCPS was developing segregated and unequal student discrimination policies.
- As a result, LCPS merged the previous draft special education policy on disability discrimination into this draft of Policy 8030 creating section (A).





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Recommendation 1:

Revise the draft policy to replace references to discipline with consequences that require the use of PBIS instead of punishment.

Rationale:

- SEAC and MSAAC have expressed our concern that old-fashioned, punishment-focused disciplinary measures are ineffective and discriminatory.
- The Discipline Task Force recommended the use of PBIS instead, and LCPS publicly claims to be using PBIS. This newly created policy contains no use or mention of PBIS and is instead written as an old-fashioned crime and punishment policy.
- Our non-discrimination policy needs to be non-discriminatory.





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Recommendation 2:

Revise the draft policy to add an appeal process that:

- a) is modeled after the process for appeals of short-term suspensions**
- b) is decided prior to the application of any consequence**
- c) includes review by the superintendent's designee, the equity director, and the 504 coordinator (if a disabled student is involved)**
- d) requires that parents/guardians be notified of their appeal rights at the time of the initial decision**





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Rationale:

- Our non-discrimination policy needs to be non-discriminatory and just. Perceptions that either are not the case will undermine the policy's intended benefits.
- The recommendations are straightforward due process steps following OCR recommendations.
- The subcommittee had serious concerns with the current short-term suspension appeal process but recommends the use of an existing process instead of creating a new one. Defects in our disciplinary processes are part of a broader discipline reform discussion.
- Personnel who are responsible for equity and 504 compliance for LCPS should be included in the appeal review. Their mandate should be to examine the appeal representing those interests.





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Recommendation 3:

Refer the policy for review by SEAC, MSAAC, and the LCPS PBIS staff, specifically looking for revisions to reduce discriminatory impacts





Policy 8030 - Discrimination and Harassment of Students Review, Findings and Recommendations

Rationale:

- The subcommittee had serious concerns that this policy may worsen existing discrimination and disproportionality.
- This policy has been reviewed by the Discipline committee, and was developed as an old-fashioned, crime and punishment, discipline policy. It does not represent evidence-based practices or years of community feedback on how to reduce disciplinary disproportionality.
- Key stakeholders in non-discrimination have not been given the opportunity to review this policy. If our intent is truly to reduce discrimination, the School Board should insist that all stakeholders be included in this process.





SEAC Recommendations AND voting



Recommendations

Voting

- Revise the draft policy to replace references to discipline with consequences that require the use of PBIS instead of punishment.
- Revise the draft policy to add an appeal process
- Refer the policy for review by SEAC, MSAAC, and the LCPS PBIS staff, specifically looking for revisions to reduce discriminatory impacts





Policy 7560 - Professional Conduct Review, Findings and Recommendations

Overview of Draft Policy 7560:

- Draft Policy 7560 addresses unacceptable staff conduct that threatens the operation of our schools.
- This draft was reviewed by the School Board's Human Resources and Talent Development committee, as well as by the Loudoun Education Association.
- Several public commenters at the last School Board meeting expressed concerns with this policy.





Policy 7560 - Professional Conduct Review, Findings and Recommendations

Recommendation 1:

Add language to (A)(1) to include parents and guardians in the list of people that staff are prohibited from bullying

Rationale:

- The current draft prohibits bullying staff or students.
- SEAC has received many reports of staff bullying special education parents and guardians.
- While prohibited by law (retaliation/harassment), the omission of parents and guardians is concerning, and the School Board should make this explicit.





Policy 7560 - Professional Conduct Review, Findings and Recommendations

Recommendation 2:

**Add a new item to the list of unacceptable professional conduct
(A):**

9. Falsification of school records, documents, statistics, or reports





Policy 7560 - Professional Conduct Review, Findings and Recommendations

Rationale:

- Falsifying records or documents goes beyond dishonesty and is often part of a fraud and/or cover-up.
- SEAC has received reports of staff falsifying records and documents in order to defraud parents and other staff, and/or to cover up wrongdoing from parents, regulators, and the School Board.
- The Policy and Compliance Subcommittee was concerned that list of unacceptable professional conduct needs to address professional integrity such as dishonesty, fraud, and falsification
- This is already grounds for license revocation; directly quoted from 8VAC20-23-720(A)(2).





SEAC Recommendations AND voting



Recommendations

Voting

- Add language to (A)(1) to add parents and guardians to the list of people that staff are prohibited from bullying
- Add to the list in (A) a new item:
9. Falsification of school records, documents, statistics, or reports



Thank you!

